

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

400J0705

HOUSE BILL NO. 1305

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the veterans' bonus
2 program, to make an appropriation therefor, and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 33-17-16 be amended to read as follows:

5 33-17-16. For the purposes of §§ 33-17-19 to 33-17-36, inclusive, terms mean:

- 6 (1) "Armed forces," the United States Army, Air Force, Coast Guard, Marine Corps,
7 Navy, and their components, including both men and women;
- 8 (2) "Bonus," the benefits provided under §§ 33-17-16 to 33-17-36, inclusive;
- 9 (3) "Commission," the Veterans' Commission created by § 33-16-4;
- 10 (4) "Dependents of deceased veterans," or "dependents," any person standing in relation
11 to a deceased veteran of: surviving spouse, child, mother, father, foster mother or
12 father, regardless of whether or not such person was actually dependent upon said
13 deceased veteran;
- 14 (5) "Director," the director of veterans' affairs appointed pursuant to § 1-46-9;
- 15 (6) "Legal resident," a person who for a period of not less than six months immediately
16 preceding entry into the armed forces of the United States as defined by subdivision



(1) was a resident in good faith of the State of South Dakota;

(7) "Veteran," any person who has received or is eligible to receive the armed forces expeditionary medal, ~~Vietnam service medal~~, or southwest Asia service medal for service in the armed forces in the Vietnam area before May 16, 1975, or the Lebanon, Grenada, Libya, Panama, or Persian Gulf areas after May 31, 1983, or any person who was assigned to and rendered active service in the armed forces as defined by subdivision (1) during the periods from August 5, 1964, to April 1, 1973, inclusive, or from August 2, 1990, to March 3, 1991, inclusive, Kosovo campaign medal, global war on terrorism expeditionary medal, global war on terrorism service medal, or other United States campaign or service medal awarded for participation outside the boundaries of the United States in combat operations against hostile forces for service in the armed forces from January 1, 1993, to a date to be determined by the South Dakota Legislature.

Section 2. That § 33-17-20 be amended to read as follows:

33-17-20. A veterans bonus shall be paid to any veteran, or to the dependents of a deceased veteran, if the veteran was a legal resident of the State of South Dakota for at least six months immediately preceding entry into the armed forces of the United States, if the veteran is still in the armed forces or was separated or discharged from the armed forces honorably or under honorable conditions, and if the veteran either:

(1) Served for at least ~~ninety~~ thirty days on active duty in the armed forces of the United States and received or is eligible to receive the armed forces expeditionary medal, ~~Vietnam service medal~~ Kosovo campaign medal, global war on terrorism expeditionary medal, global war on terrorism service medal, or southwest Asia service medal for service in the Vietnam area before May 16, 1975, or the Lebanon,

~~Grenada, Libya, Panama, or Persian Gulf area during the period June 1, 1983, to December 31, 1992, inclusive or other United States campaign or service medal awarded for participation outside the boundaries of the United States in combat operations against hostile forces for service in the armed forces from January 1, 1993, to a date to be determined by the South Dakota Legislature; or~~

- (2) Served for at least ~~ninety~~ thirty days on active duty in the armed forces of the United States, a portion of which shall have been during the period from ~~August 5, 1964, to April 1, 1973, inclusive, or during the period from August 2, 1990, to March 3, 1991, inclusive~~ September 11, 2001, to a date to be determined by the South Dakota Legislature.

The act of performing military duty in the State of South Dakota at an assigned military station does not in itself constitute residency for bonus purposes. However, a veteran who does not meet the South Dakota residency requirements of this section but who would otherwise qualify for a bonus pursuant to this section based on service in a unit of the South Dakota National Guard or a South Dakota-based unit of the armed forces reserve is eligible for the bonus if the veteran is not eligible for a similar benefit from any other state.

Section 3. That § 33-17-22 be amended to read as follows:

33-17-22. Any bonus earned pursuant to § 33-17-20 that is based on qualifying service ~~before April 2, 1973, shall be paid at the rate of ten dollars per month for each month of active duty in the armed forces during the period from August 5, 1964, to April 1, 1973, inclusive, to a maximum bonus of three hundred sixty dollars. However, any person who qualifies for a bonus pursuant to § 33-17-20 and who has received or is eligible to receive the Vietnam service medal or the armed forces expeditionary medal for service in the armed forces in the Vietnam area before April 2, 1973, shall, for the time actually served in the area qualifying for either or~~

1 ~~both medals, be paid at the rate of twenty dollars per month for each month of such service, up~~
2 ~~to a maximum bonus, together with the payments at ten dollars per month for service not~~
3 ~~qualifying for either medal, of five hundred dollars.~~

4 ~~Any person who qualifies for a bonus pursuant to § 33-17-20 based on eligibility for an~~
5 ~~armed forces expeditionary medal for service in the Vietnam area during the period April 2,~~
6 ~~1973, to May 15, 1975, inclusive, shall be paid a bonus of two hundred dollars in addition to~~
7 ~~any bonus payments for which the person may be eligible for service before April 2, 1973. The~~
8 ~~total bonus paid to any person under this section may not exceed five hundred dollars during the~~
9 ~~period September 11, 2001, to a date to be determined by the South Dakota Legislature, shall~~
10 ~~be paid at the rate of one hundred dollars for the first month and twenty dollars for each~~
11 ~~subsequent month of active duty in the armed forces during such period, to a maximum bonus~~
12 ~~of two hundred forty dollars for service in nonhostile area.~~

13 Section 4. That § 33-17-37 be amended to read as follows:

14 33-17-37. Any bonus earned pursuant to § 33-17-20 that is based on qualifying service
15 during the period from ~~August 2, 1990, to March 3, 1991~~ September 11, 2001, to a date to be
16 determined by the South Dakota Legislature, shall be paid at the rate of one hundred dollars for
17 the first month and twenty dollars for each subsequent month of active duty in the armed forces
18 during such period, to a maximum bonus of two hundred forty dollars. However, any person
19 who qualifies for a bonus pursuant to § 33-17-20 and who has received or is eligible to receive
20 the southwest Asia service medal ~~or~~, the armed forces expeditionary medal, Kosovo campaign
21 medal, global war on terrorism expeditionary medal, global war on terrorism service medal, or
22 other United States campaign or service medal awarded for participation outside the boundaries
23 of the United States in combat operations against hostile forces for service in the armed forces
24 ~~during the period June 1, 1983, to December 31, 1992, inclusive, in the Lebanon, Grenada,~~

1 ~~Libya, Panama, or Persian Gulf area shall~~ after January 1, 1993, to a date to be determined by
2 the South Dakota Legislature, for the time served in one or more such areas qualifying for ~~either~~
3 ~~or both medals~~ any of the medals listed in this section, be paid one hundred fifty dollars for the
4 first month and fifty dollars for each subsequent month of such service, up to a maximum
5 bonus, together with any payments pursuant to this section for service not qualifying for either
6 medal, of five hundred dollars.

7 Section 5. That § 33-17-38 be amended to read as follows:

8 33-17-38. No veteran may receive more than one bonus pursuant to § 33-17-20 for service
9 before ~~May 16, 1975~~ January 1, 1993, and no veteran may receive more than one bonus for
10 service after ~~May 31, 1983~~ January 1, 1993. However, any veteran who is eligible for a bonus
11 pursuant to § 33-17-20 for service before ~~May 16, 1975~~ December 31, 1992, and for service
12 after ~~May 31, 1983~~ January 1, 1993, may receive two separate bonuses. No single bonus may
13 exceed five hundred dollars.

14 Section 6. That § 33-17-30 be amended to read as follows:

15 33-17-30. The commission shall promulgate rules pursuant to chapter 1-26 to define and
16 provide for eligibility criteria, administration and method of payment of the bonus created in
17 §§ 33-17-16 to 33-17-36, inclusive. ~~The rules may include provisions by which service that~~
18 ~~qualifies for the navy expeditionary medal, the Marine Corps expeditionary medal, or other~~
19 ~~United States military award for participation outside the boundaries of the United States in~~
20 ~~combat operations against hostile forces may qualify for a bonus under this chapter if, in the~~
21 ~~commission's judgment, such service reflects essentially similar time periods, areas and types~~
22 ~~of duty as would qualify for an armed forces expeditionary medal in the areas and periods~~
23 ~~qualifying for a bonus under this chapter.~~

24 Section 7. That § 33-17-32 be amended to read as follows:

1 33-17-32. All claims for compensation under §§ 33-17-16 to 33-17-36, inclusive, shall be
2 presented to the commission on such forms as it may require no later than three years after
3 ~~July 1, 1992~~ the date to be determined by the South Dakota Legislature. ~~When~~ If approved for
4 payment by the commission, the director shall submit an authorized voucher to the state auditor,
5 who shall issue the warrant for the amount of the approved claim to the person found by the
6 commission to be entitled to the claim. ~~All claims for the bonus under the foregoing provisions~~
7 ~~not presented on or before the terminal date fixed in this section shall be forever barred.~~

8 Section 8. There is hereby appropriated from the general fund the sum of four million two
9 hundred six thousand six hundred seven dollars (\$4,206,607), or so much thereof as may be
10 necessary, to the Department of Military and Veterans Affairs to begin payment of the bonuses
11 authorized in §§ 33-17-16 to 33-17-36, inclusive. Two additional full-time equivalent positions
12 are hereby established within the Department of Military and Veterans Affairs.

13 Section 9. The director of the Division of Veterans Affairs shall approve vouchers and the
14 state auditor shall draw warrants to pay expenditures authorized by this Act.

15 Section 10. Any amounts appropriated in this Act not lawfully expended or obligated by
16 June 30, 2005, shall revert in accordance with § 4-8-21.

17 Section 11. Whereas, this Act is necessary for the support of the state government and its
18 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
19 full force and effect from and after its passage and approval.